



UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND

CHAMBERS OF  
Paula Xinis  
UNITED STATES DISTRICT JUDGE

6500 Cherrywood Lane  
Greenbelt, MD 20770  
(301) 344-0653

December 21, 2023

Re: 23-cv-3363, *Media Matters v. Paxton*

**LETTER ORDER**

Dear Parties:

Pending before the Court is Defendant's motion for extension of time to respond to Plaintiffs' renewed motion for temporary restraining order or alternatively injunctive relief. ECF No. 28. On December 12, 2023, Plaintiffs served the Complaint on Defendant and gave written notice of Plaintiffs' intent to pursue preliminary injunctive relief. ECF No. 17; ECF No. 20-1 at 12 n.5.

On December 19, 2023, the Court held a telephonic conference at which counsel for Defendant appeared.<sup>1</sup> At that conference, the Court ordered Defendant's response to be filed by December 27, 2023, and scheduled a hearing date for January 8, 2024. ECF No. 24. Defendant now moves to extend his response deadline an additional 16 days and to delay the hearing until February. ECF No. 28-1. As grounds, counsel for Defendant cites pre-existing holiday travel plans and minimum available staff in late December. ECF No. 28 at 4. Defendant also maintains that he has offered to "stipulate not to enforce the CID or take any related judicial/enforcement action during a defined period," which, in Defendant's view, would obviate the need for an expedited hearing. *Id.* at 2. Given the proposed stipulation, says the Defendant, any proffered fear of publishing future articles related to "X," or Elon Musk is chimerical. *Id.* at 3.

Taking each point separately; first, the Court is sympathetic to Defendant's preference not to work over the holidays. In fact, the Court shares that sentiment. But motions for

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<sup>1</sup> During that call, one of Defendant's attorneys sought additional time to respond because he had not yet entered his appearance and proffered that such process may take some time. Within 24 hours, local counsel entered an appearance, and as of today, all pro hac vice motions have been granted. ECF Nos. 29 & 30.

preliminary injunctive relief demand priority. Given the circumstances of this case, the schedule as modified below provides sufficient opportunity to prepare an opposition to the entry of injunction. *Cf. Ciena Corp. v. Jarrad*, 203 F.3d 312, 318 (4th Cir. 2000). The need for all involved parties to attend to this matter during the holiday season alone does not warrant the length of the requested extension.

Second, as to the proposed stipulation, the Defendant asks that the Court discount Plaintiffs' showing of irreparable harm, and considering that discount, grant the Defendant's request for more time for briefing on the merits. But absent full briefing, the Court cannot properly assess the strength of Defendant's position. Thus, it is in all parties' interest to brief the matter expeditiously.

Accordingly, the Court grants in part the motion, and extends the Defendant's date to respond until **December 30, 2023**.<sup>2</sup> Plaintiffs shall reply, and parties shall notify the Court of witnesses each side intends to call, by **January 4, 2024**. The hearing shall take place as originally scheduled, **January 8, 2024, at 12:00 p.m., Courtroom 2C**.

Although informal, this correspondence constitutes an Order of the Court and shall be docketed as such.

Sincerely,

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/s/  
PAULA XINIS  
United States District Judge

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<sup>2</sup> The Court recognizes that December 30, 2023, is a Saturday. But because electronic filing through ECF makes this filing possible, the Court extends the filing such that Defendant is afforded additional time without disrupting the currently scheduled hearing date.